

ASSEMBLY BILL

No. 1333

Introduced by Assembly Member Frommer

February 22, 2005

An act to add Section 374.5 to the Penal Code, relating to grease waste haulers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1333, as introduced, Frommer. Grease waste haulers.

Existing law generally regulates haulers of grease.

This bill would make it an offense to incompletely remove grease materials, as specified, from grease traps or interceptors, as specified, or to reinsert or otherwise improperly deposit grease materials at any place other than an authorized facility. The bill would also make it an offense to manage or dispose of grease into a land treatment unit, as defined. The bill would make the offenses punishable by imprisonment in a county jail for not more than 6 months and a fine of \$5,000 to \$10,000 for a 1st offense, or \$10,000 to \$50,000 for a 2nd or subsequent offense. A court would be authorized to bar the defendant from engaging in grease hauling for up to 5 years, and could order, as a condition of probation, that the defendant remove or pay the cost of removing grease dumped in violation of these provisions, as specified.

By creating new offenses, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 374.5 is added to the Penal Code, to
2 read:
- 3 374.5. (a) It is unlawful for any grease waste hauler to
4 remove grease from a grease trap or grease interceptor unless the
5 hauler, to the extent feasible, completely removes all grease,
6 greasy liquid, mater, and solids from the grease trap or grease
7 interceptor each time of removal.
- 8 (b) It is unlawful for any grease hauler to reinsert into a grease
9 trap, grease interceptor, manhole, cleanout, or other sanitary
10 sewer facility or any other place not authorized to receive them,
11 any materials that the hauler has removed from the grease trap or
12 grease interceptor, or to deposit, dump, place, release, those
13 materials, or cause those materials to be discharged or otherwise
14 deposited at any place other than a facility authorized to receive
15 the materials.
- 16 (c) For purposes of this section, a “grease waste hauler” is an
17 individual or business who removes grease and accompanying
18 materials from a grease trap or a grease interceptor and transports
19 the materials to another location. For purposes of this section, a
20 “grease waste hauler” does not include a hauler of grease from
21 grease traps serving industrial processes that principally contain
22 petroleum hydrocarbons.
- 23 (d) (1) It is unlawful for any person to manage or dispose of
24 grease removed from a grease trap or grease interceptor into a
25 land treatment unit.
- 26 (2) For purposes of this section, “land treatment unit” or “land
27 farm” means a facility or part of a facility at which waste is
28 applied onto or incorporated into the soil surface so that
29 constituents are degraded, transformed, or immobilized with the
30 treatment zone.
- 31 (e) Any person who violates this section shall be guilty of a
32 misdemeanor punishable by imprisonment in a county jail for not
33 more than six months and by a fine as follows:
- 34 (1) For a first conviction, not less than five thousand dollars
35 (\$5,000) nor more than ten thousand dollars (\$10,000).

1 (2) For a second and subsequent conviction, not less than ten
2 thousand dollars (\$10,000) nor more than fifty thousand dollars
3 (\$50,000).

4 (f) Notwithstanding Section 1463, the fines paid pursuant to
5 this section shall be apportioned as follows:

6 (1) Twenty-five percent shall be deposited in the
7 Environmental Enforcement and Training Account established
8 pursuant to Section 14303 of the Public Resources Code, and
9 used for purposes of Title 13(commencing with Section 14300)
10 of Part 4 of the Public Resources Code.

11 (2) Twenty-five percent shall be paid to the office of the
12 prosecuting entity.

13 (3) Twenty-five percent shall be distributed pursuant to
14 Section 1463.001.

15 (4) Twenty-five percent to the local health officer or other
16 local public officer or agency that investigated the matter which
17 lead to bringing the action.

18 (g) If the court finds that the violator has engaged in a practice
19 or pattern of violation, consisting of two or more convictions, the
20 court may bar the violating individual or business from engaging
21 in the business of grease hauling for a period not to exceed five
22 years.

23 (h) The court may require, in addition to any fine imposed
24 upon conviction, that as a condition of probation and in addition
25 to any other punishment or condition of probation, that a person
26 convicted under this section remove, or pay the cost of removing,
27 to the extent they are able, any materials which the convicted
28 person dumped or caused to be dumped in violation of this
29 section.

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the
35 penalty for a crime or infraction, within the meaning of Section
36 17556 of the Government Code, or changes the definition of a
37 crime within the meaning of Section 6 of Article XIII B of the
38 California Constitution.

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